

Doc

PTO/SB/21 (09-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

14

Application Number

10/645,265

Filing Date

August 20, 2003

First Named Inventor

Andreina P. Gomez

Art Unit

3738

Examiner Name

Thomas Sweet

Attorney Docket Number

ACS 65048

**ENCLOSURES (Check all that apply)**☒ Fee Transmittal Form☒ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/  
Incomplete Application☐ Reply to Missing Parts under  
37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ Landscape Table on CD☐ After Allowance Communication  
to TC☐ Appeal Communication to Board  
of Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please  
identify below):Postcard  
Request for Certificate of  
Correction

Remarks

24201

**Certificate**  
**NOV 04 2005**  
**of Correction****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

FULWIDER PATTON LEE &amp; UTECHT, LLP

Signature

Printed name

JOHN S. NAGY, ESQ.

Date

October 28, 2005

Reg. No.

30,664

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

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Typed or printed name

JOHN S. NAGY, ESQ.

Date

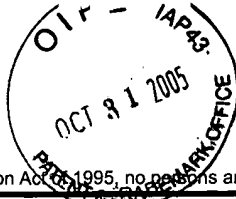
October 28, 2005

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PTO/SB/17 (12-04v2)

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Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R.

# FEE TRANSMITTAL for FY 2005

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$100.00

## Complete if Known

Application Number	10/645,265
Filing Date	August 20, 2003
First Named Inventor	Andreina P. Gomez
Examiner Name	Thomas Sweet
Art Unit	3738
Attorney Docket No.	ACS 65048

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☐ Deposit Deposit Account Number: 06-2425 Deposit Account Name: FULWIDER PATTON

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or any underpayment of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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## FEE CALCULATION

## 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

## 2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

<u>Total Claims</u>	<u>Extra</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 20 or HP =	x	\$18.00	= \$0.00

HP = highest number of total claims paid for, if greater than 20.

<u>Indep. Claims</u>	<u>Extra</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 3 or HP =	x	\$84.00	= \$0.00

HP = highest number of independent claims paid for, if greater than 3.

## 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listing under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	0	0	x \$250.00	= \$0.00

## 4. OTHER FEE(S)

Non-English specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Certification of Correction

\$100.00

## SUBMITTED BY

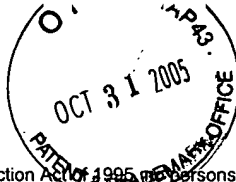
Signature		Registration No. (Attorney/Agent)	30,664	Telephone	(310) 824-5555
Name (Print/Type)	JOHN S. NAGY, ESQ.		Date	October 28, 2005	

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04v2)

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Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R.) <b>FEE TRANSMITTAL</b> <b>for FY 2005</b>		<b>Complete if Known</b>	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Application Number	10/645,265
		Filing Date	August 20, 2003
		First Named Inventor	Andreina P. Gomez
		Examiner Name	Thomas Sweet
		Art Unit	3738
TOTAL AMOUNT OF PAYMENT (\$) <b>\$100.00</b>		Attorney Docket No.	ACS 65048

**METHOD OF PAYMENT** (check all that apply)
☒ Check    ☐ Credit Card    ☐ Money Order    ☐ None    ☐ Other (please identify): \_\_\_\_\_

☐ Deposit    Deposit Account Number: 06-2425    Deposit Account Name: FULWIDER PATTON

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Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid(\$)
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Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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 - 100 = 0 / 50 0 (round up to a whole) x \$250.00 = \$0.00
**4. OTHER FEE(S)**

Non-English specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Certification of Correction

\$100.00**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent)	30,664	Telephone	(310) 824-5555
Name (Print/Type)	JOHN S. NAGY, ESQ.			Date	October 28, 2005

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NOV 08 2005



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

ANDREINA P. GOMEZ ET AL.

Patent No.: 6,929,657 B2

Issued: August 16, 2005

Serial No: 10/645,265

Filed: August 20, 2003

For: INTRAVASCULAR STENT

Examiner: Thomas Sweet

Group Art Unit: 3738

Client ID/Matter No: ACS 65048 (2908C)

October 28, 2005

Los Angeles, California

REQUEST FOR CERTIFICATE OF CORRECTION

Certificate of Correction Department  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The above-identified patent has been found to have the errors set forth in the enclosed Certificate of Correction. It is requested that this Certificate of Correction be issued and returned to us. Since these errors occurred in the final printing phase of the patent and in the final application, a check in the amount of \$100.00 is enclosed to cover the necessary fees. If any additional fees are needed, please charge Deposit Account No.

06-2425.

11/01/2005 SDENB001 00000012 6929657

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NOV 08 2005

The errors are verifiable in the patent application file as follows:

**ERROR**

Move Column 11, line 39, beginning with "The stent diameter", through Column 12, line 14, ending with "of the laser cutting path.", to Column 12, line 48, before paragraph beginning with "In order to minimize the heat input".

Column 14, line 28, delete "stent structure" and insert --stent structures--.

**APPLICATION FILE**

Patent application filed on August 20, 2003, pages 18 through 20. See Attachment A.

Applicant error.


These errors occurred in good faith and correction thereof does not involve such changes in the patent as would constitute new matter or would require re-examination. It is requested that a Certificate of Correction be issued and returned to us.

Attached hereto, in duplicate, is Form PTO-1050, with at least one copy being suitable for printing.

A duplicate of this document is attached.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:   
John S. Nagy  
Registration No. 30,664

JSN:ck  
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Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201

105175.1

portions 72, W-shaped portions 74, and the undulating links 54, all can be formed so that each has a variable thickness along the stent length. For example, the undulating link, and its associated arms 76,78 may be thicker at one end (arm 76) than at the other end of the link (arm 78). Further, first struts 66 and second struts 68 may vary in  
5 thickness (radial thickness) along their length in order to create variable flexibility in the rings. As shown in FIG. 16, first peak 60 has first struts 66 that have radial thick portion 80 in the middle of the struts and radial thin portion 82 near the ends of the struts. As another example, the rings at for example the proximal end of the stent may be thicker radially than the rings in the center of the stent. A variable thickness stent  
10 that would benefit from the present invention is described and disclosed in U.S. Serial No. 09/343,962 filed June 30, 1999 and entitled VARIABLE THICKNESS STENT AND METHOD OF MANUFACTURE THEREOF, which is incorporated herein in its entirety by reference thereto. A variable thickness stent would benefit from the flexible nature of the present invention stent and still be crimped to a very low profile  
15 delivery diameter due to the novel relationship between the second peak 61 and the undulating link 54.

The stent 30 of the present invention can be mounted on a balloon catheter similar to that shown in the prior art device in FIG. 1. The stent is tightly compressed or crimped onto the balloon portion of the catheter and remains tightly  
20 crimped onto the balloon during delivery through the patient's vascular system. When the balloon is expanded, the stent expands radially outwardly into contact with the body lumen, for example, a coronary artery. When the balloon portion of the catheter is deflated, the catheter system is withdrawn from the patient and the stent remains implanted in the artery. Similarly, if the stent of the present invention is made from a  
25 self-expanding metal alloy, such as nickel-titanium or the like, the stent may be compressed or crimped onto a catheter and a sheath (not shown) is placed over the stent to hold it in place until the stent is ready to be implanted in the patient. Such sheaths are well known in the art. Further, such a self-expanding stent may be compressed or crimped to a delivery diameter and placed within a catheter. Once the stent has been  
30 positioned within the artery, it is pushed out of the catheter or the catheter is withdrawn

proximally and the stent held in place until it exits the catheter and self-expands into contact with the wall of the artery. Balloon catheters and catheters for delivering self-expanding stents are well known in the art.

The stent 30 of the present invention can be made in many ways. One  
5 method of making the stent is to cut a thin-walled tubular member, such as stainless steel tubing to remove portions of the tubing in the desired pattern for the stent, leaving relatively untouched the portions of the metallic tubing which are to form the stent. The stent also can be made from other metal alloys such as tantalum, nickel-titanium, cobalt-chromium, titanium, shape memory and superelastic alloys, and the nobel metals  
10 such as gold or platinum. In accordance with the invention, it is preferred to cut the tubing in the desired pattern by means of a machine-controlled laser as is well known in the art.

The tubing may be made of suitable biocompatible material such as stainless steel. The stainless steel tube may be Alloy type: 316L SS, Special Chemistry  
15 per ASTM F138-92 or ASTM F139-92 grade 2. Special Chemistry of type 316L per ASTM F138-92 or ASTM F139-92 Stainless Steel for Surgical Implants in weight percent.

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	Carbon (C)	0.03% max.
20	Manganese (Mn)	2.00% max.
	Phosphorous (P)	0.025% max.
	Sulphur (S)	0.010% max.
	Silicon (Si)	0.75% max.
	Chromium (Cr)	17.00-19.00%
25	Nickel (Ni)	13.00-15.50%
	Molybdenum (Mo)	2.00-3.00%
	Nitrogen (N)	0.10% max.
	Copper (Cu)	0.50% max.
	Iron (Fe)	Balance

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The stent diameter is very small, so the tubing from which it is made must necessarily also have a small diameter. Typically the stent has an outer diameter on the order of about 0.06 inch in the unexpanded condition, the same outer diameter of the tubing from which it is made, and can be expanded to an outer diameter of 0.1 inch or more.

- 5 The wall thickness of the tubing is about 0.003 inch.

The tubing is mounted in a rotatable collet fixture of a machine-controlled apparatus for positioning the tubing relative to a laser. According to machine-encoded instructions, the tubing is rotated and moved longitudinally relative to the laser which is also machine controlled. The laser selectively removes the  
10 material from the tubing by ablation and a pattern is cut into the tube. The tube is therefore cut into the discrete pattern of the finished stent.

The process of cutting a pattern for the stent into the tubing is automated except for loading and unloading the length of tubing. In one example, a CNC-opposing collet fixture for axial rotation of the length of tubing is used in conjunction  
15 with a CNC X/Y table to move the length of tubing axially relative to a machine-controlled laser. The entire space between collets can be patterned using the CO<sub>2</sub> laser set-up of the foregoing example. The program for control of the apparatus is dependent on the particular configuration used and the pattern to be ablated in the coating.

Cutting a fine structure (0.005 to 0.001 inch web width) requires minimal  
20 heat input and the ability to manipulate the tube with precision. It is also necessary to support the tube yet not allow the stent structure to distort during the cutting operation. In order to successfully achieve the desired end results, the entire system must be configured very carefully. The tubes are made typically of stainless steel with an outside diameter in the range of about 0.060 inch to 0.070 inch and a wall thickness in  
25 the range of about 0.002 inch to 0.005 inch. These tubes are fixtured under a laser and positioned utilizing a CNC to generate a very intricate and precise pattern. Due to the thin wall and the small geometry of the stent pattern (about 0.0035 inch typical web width), it is necessary to have very precise control of the laser, its power level, the focused spot size, and the precise positioning of the laser cutting path.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

ANDREINA P. GOMEZ ET AL.

Patent No.: 6,929,657 B2

Issued: August 16, 2005

Serial No: 10/645,265

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For: INTRAVASCULAR STENT

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NOV 03 2005

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**ERROR**

Move Column 11, line 39, beginning with "The stent diameter", through Column 12, line 14, ending with "of the laser cutting path.", to Column 12, line 48, before paragraph beginning with "In order to minimize the heat input".

Column 14, line 28, delete "stent structure" and insert --stent structures--.

**APPLICATION FILE**

Patent application filed on August 20, 2003, pages 18 through 20. See Attachment A.

Applicant error.


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Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:   
John S. Nagy  
Registration No. 30,664

JSN:ck  
Enclosures

Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201

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**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**

Page 1 of 1

PATENT NO. : 6,929,657 B2  
APPLICATION NO.: 10/645,265  
ISSUE DATE : August 16, 2005  
INVENTOR(S) : Andreina P. Gomez et al.

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**MAILING ADDRESS OF SENDER:**

**John S. Nagy  
Fulwider Patton Lee & Utecht LLP  
6060 Center Drive, 10<sup>th</sup> Floor  
Los Angeles, CA 90045**

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